

VOLVO

Volvo Cars of North America, LLC

September 27, 2005

Office of Chief Counsel
National Highway Traffic Safety Administration
400 Seventh Street, S.W., NCC-110, Room 5219
Washington, D.C. 20590
Attention: Mr. Otto Matheke, Attorney

Subject:
Confidentiality Request, Electronic Throttle Module Preliminary Evaluation
[Reference NVS-212jfa / PE05-041]

Dear Mr. Matheke,

This letter and CD-ROM are hereby submitted to NHTSA in support of NVS-212jfa / PE05-041, Electronic Throttle Module.

The information being submitted is considered by Volvo to be confidential, and an affidavit to support that claim is enclosed. This confidential information includes the following documents provided on the enclosed CD-ROM:

Three Alleged Product Failure Incident Reports (in response to Question 4C "claims involving a crash" within the PE05-041 letter from NHTSA dated July 28, 2005)

- Case number 1386181
- Case number 1520768
- Case number 1399380

We firmly believe that the release of the above stated confidential information would make public Volvo proprietary information that could cause substantial competitive harm to Volvo Car Corporation and to Volvo Cars North America, LLC (Volvo) for the following reasons:

- Alleged Product failure Incident reports are prepared in response only to unique Customer Complaints. These reports were prepared because the Consumer Complaints alleged a crash occurred. In general, when a Volvo customer alleges a crash or certain other unique circumstances, these reports are prepared in reasonable anticipation of potential litigation. For this reason it is extremely important to Volvo that it be held proprietary and held confidential. Release of this information to the public or Volvo's competition could cause substantial competitive harm to Volvo.
- The reports provided are confidential and proprietary information and have never been released to the public and there is no intention to ever release this information to the public. We have verified that only those associated with this information and information preparation have had access to this information.

Therefore we request that the confidential information be treated within the meaning of confidential business information pursuant to 5USC 552(b)(4) and Section 112(e) of the National Traffic and Motor Vehicle Safety Act of 1966 as amended and implemented in 49 CFR Part 512.

In accordance with 49 CFR 512.4(a)(4), we are submitting one (1) copy of each of the above documents to your office containing the confidential information, and one (1) copy of each of the above documents to your office with the confidential information omitted.

Also, in accordance with 49 CFR 512.4(a)(1), each page containing confidential information has been marked "confidential", and in accordance with 49 CFR 512.4(a)(2), each item of confidential information within this page has been placed within brackets "[]". When an entire page is confidential this page has been marked "confidential" at the top of the page and no brackets have been used.

One copy of each of the above documents containing confidential information (1 CD-ROM) has also been provided to Steve McHenry, Office of Defects Investigation. If you have any questions, please contact me at (201) 767-4772, or Diana Lidgett of my staff at (201) 768-7300 (ext. 7249).

Sincerely,

VOLVO CARS OF NORTH AMERICA, LLC
Customer Service

A large, handwritten signature in black ink that reads "William Shapiro". The signature is written in a cursive style and is positioned over the typed name and title.

William Shapiro, P.E.
Manager, Regulations & Compliance

Enclosures:

Volvo submission (1 CD-ROM) containing confidential information
Volvo submission (1 CD-ROM) for public file
Certificate in Support of Request for Confidentiality

CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

I, William Shapiro, pursuant to the provisions of 49 CFR Part 512, state as follows:

(1) I am Manager, Regulatory and Compliance and I am authorized by Volvo Cars of North America, LLC (VCNA) to execute documents on its behalf;

(2) VCNA documents provided on a CD-ROM:

Three Alleged Product Failure Incident Reports (in response to Question 4C "claims involving a crash" within the PE05-041 letter from NETSA dated July 28, 2005)

- Case number 1386181
- Case number 1520768
- Case number 1399380

have been marked "Confidential," and consist of Volvo proprietary product information which is being submitted with the claim that it is entitled to confidential treatment pursuant to 5USC 552(b)(4) and Section 112(e) of the National Traffic and Motor Vehicle Safety Act of 1966, as amended and implemented in 49 CFR Part 512;

(3) I hereby request that the information referenced in (2) above be protected indefinitely.

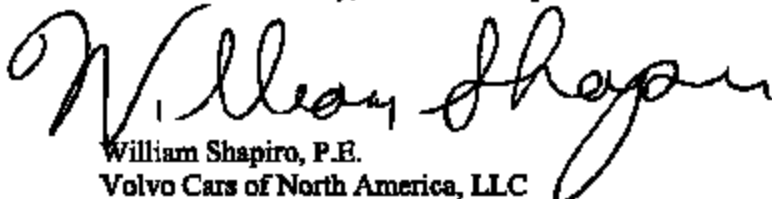
(4) I, or members of my staff, have personally inquired of the responsible VCNA personnel who have the authority, in the normal course of business to release the information for which a claim of confidentiality has been made, to ascertain whether such information has ever been released outside VCNA;

(5) Based upon such inquiries and to the best of my knowledge, information and belief, the information for which VCNA has claimed confidential treatment has never been released or become available outside VCNA, except as needed by VCNA to enter into appropriate confidentiality;

(6) I make no representations beyond those contained in the certificate and in particular, I make no representations as to whether this information may become available outside VCNA because of unauthorized or inadvertent disclosure; and

(7) I certify under penalty of perjury that the foregoing is true and correct, to the best of my information and belief.

Executed on this day, the 27th of September 2005.



William Shapiro, P.E.
Volvo Cars of North America, LLC
Customer Service
Manager, Regulatory and Compliance